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**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                       |                                |                      |
|-----------------------|--------------------------------|----------------------|
| First Applicant:      | DICKINSON, Craig Duane )       | Group Art Unit: 1644 |
|                       | )                              |                      |
| Serial No.:           | 10/542,508 )                   | Examiner:            |
|                       | )                              | WEN, SHARON X        |
| Application Date:     | January 21, 2004 )             | Conf No.: 5382       |
|                       | )                              |                      |
| US Nat' I Entry Date: | July 15, 2005 )                |                      |
|                       | )                              |                      |
| For:                  | HUMAN IL- I BETA ANTAGONISTS ) |                      |
|                       | )                              |                      |
| Docket No.:           | X-15950 )                      |                      |

**AMENDMENT AND**  
**RESPONSE TO RESTRICITION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Introductory Comments**

Applicants provide the following Group election in response to the Restriction Requirement issued by the Examiner for the above-referenced case on September 30, 2008. This amendment and response is being filed within one month of the date of the Office Action, so Applicants submit that no fee is due; however, in the event a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 05-0840. In addition, Applicants provide the following Amendment to the Claims.

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Amendments to the Claims are reflected in the listing of claims which begin on page 3 of this paper.

Remarks associated with such amendments appear on page 7 of this paper.

**Restriction Requirement**

Claims 138 through 152 of this application are currently pending. The Examiner has made a restriction requirement under 35 U.S.C § 121 and 372 dividing the claims into three groups. Group I, Claims 138-140, 145 and 151; Group II, Claim 141-144 and 147-150; and, Group III, Claims 146 and 152.

Applicants hereby elect Group I, Claims 138-140, 145 and 151, drawn to a humanized antibody, or an antigen-binding portion thereof, that specifically binds human IL-1 $\beta$  and a pharmaceutical composition comprising the antibody, without traverse.